

ACF

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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children, Youth and Families

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PROGRAM INSTRUCTION

TO: State Agencies and Territories Administering or Supervising the Administration of Title IV-E of the Social Security Act (the Act); and State Independent Living Coordinators

SUBJECT: July 31, 2003 Submission of State Plan Amendment for Funds under the Educational and Training Vouchers (ETV) Program under the Chafee Foster Care Independence Program - Amendment to Child and Family Services Plan

LEGAL AND RELATED

REFERENCES: Section 474 of the Act; and, the John H. Chafee Foster Care Independence (Chafee) Program, Section 477 of the Act (42 U.S.C. 677 et seq.) This Program Instruction (PI) amends ACYF-CB-PI-01-02 issued on 02-13-01, in accordance with Section 477(b)(5) of the Act.

PURPOSE: The purpose of this Program Instruction (PI) is to provide guidance to States on applying for fiscal year 2003 and 2004 funds for the Education and Training Vouchers (ETV) Program, a newly authorized purpose included under the Chafee Foster Care Independence Program (CFCIP) (section 477 of the Social Security Act).

BACKGROUND:

The President signed the Promoting Safe and Stable Families Amendments (PSSF Amendments) of 2001, Public Law 107-133 into law on January 17, 2002. Title II, Section 201 of the Amendments, entitled "Educational and Training Vouchers for Youths Aging Out of Foster Care," amends section 477 of Title IV-E of the Act, targeting additional resources specifically to meet the education and training needs of youth aging out of foster care. The full text of the Foster Care Independence Act of 1999, including the Education and Training Vouchers provisions, can be found at <http://www.acf.hhs.gov/programs/cb/laws/index.htm>. In addition to the base authorization of \$140 million for the CFCIP program, the law authorizes an additional

\$60 million for payments to States for post secondary educational and training vouchers for youth that have aged out of foster care; or are otherwise eligible for services under the State program under this section. However, Congress did not appropriate any funds for educational and training vouchers in FY 2002 under this latter authorization.

In FY 2003, Congress appropriated \$42 million for payments to States to implement educational and training vouchers under section 477(a)(6) and 477(i) of the Act. See Attachment A for a table listing the FY 2003 allocations for each State's ETV program. The ETV program has been assigned a Catalog of Federal Domestic Assistance (CFDA) number of 93.599.

The statutory changes to the CFCIP program provide additional resources to make available vouchers of up to \$5,000 per year per youth for education and training, including post secondary education and training, to eligible youth as described above. Although the ETV program is integrated into the overall purpose and framework of the Chafee program, the program has a separate budget authorization and appropriation from the general CFCIP program. This program addition will impact how States report expenditures as described in the section on program and fiscal reporting of this PI.

INFORMATION:

Guidance is provided in this Program Instruction to States to assist them in the development and submission of an ETV program amendment for Federal fiscal years 2003 and 2004, the remaining years under the current Child and Family Services Plan (CFSP) for FY 1999-2004. However, States will be required to request FY 2004 ETV program funds via the form CFS-101 when they submit their Annual Progress and Services Report (APSR) to ACF by June 30, 2004. Accordingly, annual updates on the ETV program will be incorporated into the CFCIP section of the APSR.

Eligible Participants: Section 477 (i) identifies several categories of individuals that may be eligible to receive vouchers under this program: (1) youth otherwise eligible for services under the State CFCIP program; (2) youth adopted from foster care after attaining age 16; and (3) youth participating in the voucher program on their 21st birthday, until they turn 23 years old, as long as they are enrolled in a post secondary education or training program and are making satisfactory progress toward completion of that program. Youth otherwise eligible for CFCIP services are those youth eligible for services under the State program.

Availability of Funds: The provision for ETV allotments under section 477(c)(3) requires allotments to States to be distributed using the same formula as the general Chafee program. Data submitted by States into the Adoption and Foster Care Analysis and Reporting System's (AFCARS) FY 2001 national database will be used to calculate States' FY 2003 allotments.

Attachment A is a table of the State allotments for FY 2003 totaling \$41,101,095. The allotments for FY 2003 are based on an appropriation of \$42 million less a .65 percent Departmental recision and a one and one-half percent (1 1/2%) set aside for Federal evaluation, technical assistance, performance measurement and data collection (section 477(g)(2)).

Non-Supplantation: In accordance with section 477(d)(2), funds awarded under the ETV program shall be used to supplement and not supplant any other State funds previously expended for the same general purposes in the State. States are required to spend an amount of State funds

for each year of the CFSP that at minimum equals the amount of State funds expended for the general purposes identified in Section 477(a)(1-6) of the Act in FY 2000.

Reallotment of Funds: If a State does not apply for funds for the ETV program for fiscal year FY 2003 by July 31, 2003, the FY 2003 funds shall be reallocated to 1 or more other States on the basis of their relative need for funds as requested in Part II of the application.

INSTRUCTIONS:

Our goal is to award the FY 2003 CFCIP Education and Training Voucher funds in as expeditious a manner as possible. Since most States have already applied for and received their base FY 2003 CFCIP allocations, we are requiring that all States submit a separate document requesting the ETV funds to ACF.

To receive its ETV allotment of funds for FY 2003 and FY 2004, the State must submit an amendment to the CFSP State plan to ACF for approval. The State plan amendment must include the following in order to be considered complete:

- The name, address, and telephone number of the program's contact person
- Part I – ETV Program Plan Narrative and Program Certification (Attachment B)
- Part II – ETV Program Funds Requested (Attachment C)

Attachments B (Certification) and C (Funds Request Form) must be signed and dated by the State's Chief Executive Officer or delegate (if authorized by state law). The information provided by a State in the amended State plan remains in effect unless amended by the State in accordance with section 477(b)(5), and approved by ACF.

Part I - Program Plan Narrative

The following components must be included in the narrative section of the amended State plan:

1. Describe how the State will establish, expand or strengthen its post secondary educational assistance program to achieve the purpose of the ETV program (section 477(a)(6) of the Act) to:
 - a) help youth make the transition to self-sufficiency; and
 - b) help youth receive the education, training and services necessary to obtain employment.
2. Describe how the State will design and conduct its programs to meet the conditions outlined in section 477(b)(3)(J) and section 477(i). States presently providing post secondary educational assistance to the eligible populations, including waivers, vouchers, scholarships and/ or combinations of these activities must also discuss how they will expand and and/or strengthen their programs and services. States should also discuss how the educational needs and supports of eligible populations are specifically addressed through the CFCIP and ETV programs. Additional information to guide the effective implementation of the ETV program can be found in Attachment D.

3. Describe the methods the State will use to: (1) ensure that the total amount of educational assistance to a youth under this and any other Federal assistance program does not exceed the total cost of attendance; and (2) to avoid duplication of benefits under this and any other Federal assistance program.
4. Briefly describe how all political subdivisions in the State are served by the program (if not in a uniform manner, please explain) (section 477(b)(2)(B)).
5. Describe how and what various categories of eligible youth (youth aging out of care, adopted youth, former foster care youth and youth qualified for assistance at ages 21-23) are to be served. The description should include the identification of State statutory and/or administrative barriers, if any, which in order to facilitate the State providing vouchers under this program need to be eliminated or amended.

CFCIP Questions and Answers: Questions and answers about CFCIP can be found on the Children's Bureau web site at: <http://www.acf.hhs.gov/programs/cb/laws/index.html>.

Part II – ETV Funds Requested

Request for Funds: Under the ETV program, a State must identify the amount of Federal funds for which it is applying by completing Attachment C of this PI. Attachment A is a table listing the FY 2003 ETV State allocations. States must provide a 20% State match amount. Also, in completing Attachment C, specify the amount of additional funds requested, if any, should unapplied for funds become available for reallocation to other States.

Cost-Sharing Requirements: Under section 474(a)(4) of the Act, the Federal government will pay 80% of the total amount of funds expended by the State (less any penalties assessed under section 477(e)) up to the amount of ETV funds allotted to the State. The State must provide matching contributions to cover the additional 20% of the costs. Matching contributions may be in cash or in-kind contributions of services, equipment, or property, and may originate with a third party. The State matching contribution, whatever its nature, must be used for the purposes described in section 477(a) of the Act. To the extent that State funds are used to meet the match, they must satisfy the requirements of 45 CFR 92.24. States should consult these specific regulations for a full and accurate understanding of the requirements.

In addition, in States where tuition has been waived or exempted by State statute or regulation, the amount of the tuition waived or exempted can be used as match for the ETV program if the State's independent living program would have otherwise paid the tuition as allowable costs of the program, and the foster care clients meet all of the program eligibility requirements.

In accordance with section 477(d)(3) of the Act, States must expend yearly allotments of funds by the end of the fiscal year following the fiscal year in which they were awarded. Therefore, FY 2003 ETV funds must be expended by September 30, 2004.

PROGRAM AND FISCAL REPORTS:

Program Reports and Data Collection:

The ETV program report for activities conducted during FY 2003 is due June 30, 2004 as part of the Annual Progress and Services Report (APSR). The report must contain the following information:

- (1) a complete description of the ETV Program, including services and activities planned, conducted, modified, expanded or newly established to achieve the purpose set forth in section 477(a)(6) of the Act;
- (2) a description of the categories such as tuition, fees, transportation, consumables (books, supplies, uniforms), and tutoring under which eligible youth received vouchers for FY 2003.

Fiscal Reports: Expenditures under the ETV Program are to be reported by States on a Standard Form 269A (SF-269A), Financial Status Report. As a separate discretionary program under CFCIP, the ETV program expenditures will be reported on it's own separate SF-269. They should **not** be reported as expenditures under the CFCIP. To minimize the reporting burden, SF-269s will be required on an annual basis. Reports will be due 90 days after the end of each reporting period (October 1 – September 30). The final report for FY 2003 funds will be due December 31, 2004 ninety (90) days after the end of the two-year expenditure period. The SF-269 with original signatures should be sent to the appropriate Regional Administrator with a copy to ACF/ Office of Administration at the following address:

Administration for Children and Families
Office of Administration, Office of Mandatory Grants
Attn: Joseph Lonergan
370 L'Enfant Promenade, SW
Washington, D.C. 20447

A negative grant award will be issued to States to recoup unobligated and/or unliquidated funds reported on their final Financial Status Report.

PAPERWORK REDUCTION ACT:

Under the Paperwork Reduction Act of 1995 (Public Law 104-13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB approval number for information collected pursuant to State plan requirements is 0980-0047, approved through July 31, 2005. Public reporting burden for the ETV application is estimated to average 25 hours per response.

SUBMITTALS:

The ETV program amendment to the CFSP will be reviewed and approved by the Administration for Children and Families (ACF) Regional Office. The closing date for the receipt of the ETV application for FY 2003 and 2004 is **July 31, 2003**. States are encouraged to submit their ETV application earlier than the July 31 closing date in order for ACF to award FY 2003 funds to States as expeditiously as possible.

An original and one copy of the application must be submitted by the State to the appropriate Regional Administrator (Attachment E). A copy also should be sent to:

Administration on Children, Youth and Families (ACYF)
330 C Street, S.W.
Washington, D.C. 20447
Attention: Children's Bureau
Division of Program Implementation/CFCIP

INQUIRIES TO: ACF Regional Administrators, Regions I-X

/s/
Joan E. Ohl
Commissioner
Administration on Children,
Youth and Families

ATTACHMENTS

Attachment A: FY 2003 ETV Program State Allotments
Attachment B: ETV Program Certification
Attachment C: FY 2003 ETV Program Request for Funds
Attachment D: ETV Program Implementation Guidance
Attachment E: ACF Regional Contacts